

98 CR 1101 (ILG)

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN DOE

Defendant.

FILED UNDER SEAL

ORDER TO SHOW CAUSE FOR FINDINGS OF CIVIL CONTEMPT

Defendant John Doe, by his attorneys Beys, Stein & Mobargha LLP, having moved this Court for relief hereinafter described.

NOW upon the accompanying letter of Nader Mobargha, dated February 10, 2012, and its attached exhibits ("February 10th Letter"), it is hereby

ORDERED, that Richard Lerner, Esq., and Richard Roe, an attorney, show cause before the Honorable Brian M. Cogan, United States District Judge, at the United States Courthouse, 25 Cadman Plaza East, Brooklyn, New York 11201 on _____, 2012 at _____, or as soon as thereafter as counsel may be heard, why they should not be held in civil contempt of the Court of Appeals' February 14, 2012 Summary Order (the "Summary Order") for their disclosure of sealed information to *The New York Times* in violation of the Summary Order.

ORDERED, that Messrs. Lerner and Roe show cause at the above hearing why an order should not issue requiring them to make a cash payment in an amount to be determined: (a) as a sanction for their noncompliance with the Summary Order and (b) for reimbursement to John Doe of his reasonable attorney's fees and costs incurred in this application for findings of civil contempt;

ORDERED, that personal service of a copy of this order and the February 10th Letter upon Richard Lerner on or before February ___, 2012 shall be deemed good and sufficient service thereof;

ORDERED, that Messrs. Lerner and Roe's papers in opposition to John Doe's motion, if any, shall be served by hand on Beys, Stein & Mobargha LLP, counsel for John Doe, on or before February ___, 2012 at 5:00 p.m. (with courtesy copy hand delivered to the Court in Chambers), and that John Doe's reply papers, if any, shall be served by hand Mr. Lerner by no later than 5:00 p.m. (with a copy for Chambers) the day before the return date provided by this order;

ORDERED, that all papers related to the instant motion are hereby sealed;

ORDERED, that a copy of all papers shall be served on Assistant U.S. Attorneys Elizabeth J. Kramer and Todd Kaminsky of the United States Attorney's Office for the Eastern District of New York.

Dated: New York, New York
February 12, 2012

The Honorable Brian M. Cogan